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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,972	10/30/2003	Carsten Sorensen	M61.12-0541	8498
WESTMAN CHAMPLIN (MICROSOFT CORPORATION) SUITE 1400			EXAMINER	
			STRODER, CARRIE A	
900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402			ART UNIT	PAPER NUMBER
	,		3689	
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			01/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)					
Office Action Comments	10/696,972	SORENSEN, CARSTEN					
Office Action Summary	Examiner	Art Unit					
	CARRIE A. STRODER	3689					
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING E - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from te, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).					
Status							
1)⊠ Responsive to communication(s) filed on 13 l	November 2008						
	s action is non-final.						
<i>;</i>	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	, , , ,						
4)⊠ Claim(s) <u>1-35</u> is/are pending in the application	2						
· · · · · · · · · · · · · · · · · · ·	4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.							
	6) Claim(s) <u>1-35</u> is/are rejected.						
· · · · · · · · · · · · · · · · · · ·) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	or election requirement.						
Application Papers							
9)☐ The specification is objected to by the Examiner.							
10)⊠ The drawing(s) filed on <u>30 October 2003</u> is/are: a)⊠ accepted or b)⊡ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	nte					

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DETAILED ACTION

1. This is in response to the applicant's communication filed on 13 November 2008, wherein:

Claims 1-35 are currently pending.

Claims 1 and 24 are currently amended.

Response to Arguments

1. Applicant's arguments filed 13 November 2008 with respect to claims 1, 19, and 24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-10 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 states "each entry including information related to one of a plurality of RFQs"; however, it is not clear how the entries are related to the RFQs.

Claim 1 also states "the RFQs being generated by a plurality of requesters and information related to the RFQs being provided to the index, wherein at least one of the plurality of requesters is located remote from the index"; however, this does not make sense.

Claim 1 also states "data store located at one of the plurality of requesters"; again this does not make sense.

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Claim 2 states "identifying the identified RFQ"; this does not make sense. Also, it is unclear how the RFQs are identified.

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Claim 7 "automatically" generates a reply; however, the term automatic is ambiguous.

Automatic could imply either machine or human intervention.

4. **Claims 11-18 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 states it is a "computer implemented method of soliciting a response" in the preamble; however, the response is not claimed in the body of the claims.

5. Claim 19 recites the limitation "from the requesters". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-10 and 19-23 are rejected under 35 U.S.C. 101 because in order for a method to be considered a "process" under §101, a claimed process must either: (1) involve a particular machine, or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter. With respect to claims 1 and 19, the claim language does not include the required tie or transformation and thus is directed to nonstatutory subject matter. Although claims 1 and 19 recite that they are

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"computer implemented," the Examiner gives little weight to the preamble, as it is not positively recited in the claim, which is necessary to tie the machine to the process.

8. Claims 24-35 are rejected under 35 U.S.C. 101 because they are directed to software, per se. The claims are functional descriptive material as they are directed to a system defined merely by software or terms synonymous with software, particularly "engine."

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1-6, 8-18, 19, and 21-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han et al. (US 20020052807) in view of Ferguson, Robert, Special Edition Using Microsoft SharePoint Portal Server, 02 August 2002 (hereinafter referred to as "Ferguson").

Referring to claim 1:

Han teaches a computer implemented method of responding to a request for a supplier quotation (RFQ) indicative of terms for delivery of goods or services by the supplier, the method comprising:

Accessing an index having entries, each entry including information related to one of a plurality of RFQs, the RFQs being generated by a plurality of requests and information related to the RFQs being provided to the index, wherein at least one of the plurality of requesters is located remote from the index (paragraphs 93, 104-106);

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identifying an RFQ for reply, by identifying an entry in the index (paragraphs 98 and 105);

retrieving the identified RFQ from a data store (paragraph 105); and generating a reply to the retrieved RFQ (paragraph 102).

Han does not teach; however, Ferguson teaches

retrieving information from a data store located at one of the plurality of requesters located remote from a location of the index (Section I; it is implied in an index that the data may be located anywhere, including in the requester's data store).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

Referring to claims 2 and 25:

Claim 2 is dependent on claim 1; therefore the rejection of claim 1 is incorporated herein.

Claim 25 is dependent on claim 24; therefore the rejection of claim 24 is incorporated herein.

Hans teaches

filtering entries in the index of RFQ's based on supplier filter criteria (paragraph 98); and identifying the identified RFQ as an RFQ that meets the supplier filter criteria (paragraphs 98-99; where "find list" is interpreted as identifying the RFQ).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson

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as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

Referring to claims 3 and 26:

Claim 3 is dependent on claim 1; therefore the rejection of claim 1 is incorporated herein.

Claim 26 is dependent on claim 24; therefore the rejection of claim 24 is incorporated herein.

Han teaches

applying detailed supplier filter criteria to the retrieved RFQ based on a content of the retrieved RFQ (paragraph 98).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

Referring to claim 4 and 27:

Claim 4 is dependent on claim 1; therefore the rejection of claim 1 is incorporated herein.

Claim 27 is dependent on claim 24; therefore the rejection of claim 24 is incorporated herein.

Han teaches

generating a reply to the retrieved RFQ only if it meets the detailed supplier filter criteria (paragraph 102).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

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Referring to claim 5:

Claim 5 is dependent on claim 1; therefore the rejection of claim 1 is incorporated herein.

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Han teaches

transmitting the reply to the requester that generated the retrieved RFQ (paragraph 102).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

Referring to claims 6 and 28:

Claim 6 is dependent on claim 1; therefore the rejection of claim 1 is incorporated herein.

Claim 28 is dependent on claim 24; therefore the rejection of claim 24 is incorporated herein.

Han teaches

generating the reply comprises accessing the content of the retrieved RFQ (paragraphs 99-102);

and generating the reply based on the content of the RFQ (paragraphs 99-102).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

Referring to claim 8:

Claim 8 is dependent on claim 1; therefore the rejection of claim 1 is incorporated herein.

Han teaches

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accessing the index over a global computer network (paragraph 17).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

Referring to claim 9:

Claim 9 is dependent on claim 1; therefore the rejection of claim 1 is incorporated herein.

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Han teaches

retrieving the identified RFQ from the data store at the requester over a global computer network (paragraphs 104-108; where it is implied that the RFQ is stored on the web server, which uses index server technology).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

Referring to claim 10:

Claim 10 is dependent on claim 1; therefore the rejection of claim 1 is incorporated herein.

Han teaches

prior to accessing the index, the supplier register and download a reply engine, which accesses the index (paragraphs 98-99; where it is implied that a "community participant"

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registers to become a community participant and where it is inherent in using the "RFQ find web page" that the information be downloaded).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

Referring to claim 11:

Han teaches a computer implemented method of soliciting a response to a RFQ, the RFQ being generated by a requester and including job information indicative of terms for delivery of goods or services from a supplier to the requester, the method comprising:

entering the job information into a predetermined RFQ template (paragraph 93; where "using the RFQ create/edit web page" is interpreted as an RFQ template); and

sending indexing information for computer implemented indexing of data at a remote index (paragraph 106; "system updates itself when changes are made").

Han does not teach; however, Ferguson teaches

saving the RFQ template at a predetermined location in a data store local to the requester, such that the RFQ template is exposed for downloading to a supplier for generation of a reply (Section I; where an index allows for saving a data file at any location).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

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Referring to claim 12:

Claim 12 is dependent on claim 11; therefore the rejection of claim 11 is incorporated

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herein.

Han teaches

prior to entering the job information, providing supplier registration information to a

registration component (paragraphs 98-99; where it is implied that a "community participant"

registers to become a community participant).

downloading an RFQ generation engine, the RFQ generation engine sending the indexing

information (paragraphs 93-94 and 106; where it is inherent in using the "RFQ create/edit web

page" that the information be downloaded).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one

skilled in the art would have found it obvious from the combined teachings of Han and Ferguson

as a whole to produce the invention as claimed with a reasonable expectation of saving time

when retrieving RFQs that are stored remotely.

Referring to claims 13 and 30:

Claim 13 is dependent on claim 11; therefore the rejection of claim 11 is incorporated

herein. Claim 30 is dependent on claim 29; therefore the rejection of claim 29 is incorporated

herein.

Han teaches

Entering requester filter criteria indicative of suppliers authorized to reply to the RFQ

template (paragraph 94; "participant defines which suppliers are to receive the new RFQ

packet").

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Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time

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when retrieving RFQs that are stored remotely.

Referring to claims 14 and 31:

Claim 14 is dependent on claim 11; therefore the rejection of claim 11 is incorporated herein. Claim 31 is dependent on claim 29; therefore the rejection of claim 29 is incorporated

herein.

Han teaches

Sending requester filter criteria indicative of suppliers authorized to reply to the RFQ template paragraph 94; "participant defines which suppliers are to receive the new RFQ packet").

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

Referring to claims 15 and 32:

Claim 15 is dependent on claim 11; therefore the rejection of claim 11 is incorporated herein. Claim 32 is dependent on claim 29; therefore the rejection of claim 29 is incorporated herein.

Han teaches

receiving a reply to the RFQ template from a supplier (paragraph 96).

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Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

Referring to claim 19:

Han teaches a computer implemented method of indexing requests for supplier quotations, each of which are generated by a requester and include job information indicative of terms of delivery of goods or services from a supplier to the requester, the method comprising:

receiving indexing information from the requesters, the indexing information being indicative of the RFQ's (paragraph 106); and

entering an entry for each RFQ in an index based on the index information, the entry being indicative of a category of a corresponding RFQ, the index being exposed to access by suppliers (paragraphs 98 and 104-106).

Han does not teach; however, Ferguson teaches

location of the data on a data store at the requester (Section I; it is implied in an index that the data may be located anywhere, including in the requester's data store).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

Referring to claim 20:

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Claim 20 is dependent on claim 19; therefore the rejection of claim 19 is incorporated

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herein.

Han teaches

for each entry in the index, including filter criteria accessible by the suppliers to identify

RFQs for reply (paragraph 98).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one

skilled in the art would have found it obvious from the combined teachings of Han and Ferguson

as a whole to produce the invention as claimed with a reasonable expectation of saving time

when retrieving RFQs that are stored remotely.

Referring to claim 21:

Claim 21 is dependent on claim 19; therefore the rejection of claim 19 is incorporated

herein.

Han teaches

wherein receiving the indexing information includes receiving an identifier of a specific

supplier (paragraphs 94 and 104-106).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one

skilled in the art would have found it obvious from the combined teachings of Han and Ferguson

as a whole to produce the invention as claimed with a reasonable expectation of saving time

when retrieving RFQs that are stored remotely.

Referring to claim 22:

Claim 22 is dependent on claim 19; therefore the rejection of claim 19 is incorporated

herein.

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Han teaches

the specific supplier be notified when the RFQ identifying the supplier is indexed (paragraph 94).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFOs that are stored remotely.

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Referring to claim 23:

Claim 23 is dependent on claim 19; therefore the rejection of claim 19 is incorporated herein.

Han teaches

the indexing information be received from a remote requester over a network (paragraph 94).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

Referring to claim 24:

Han teaches a system of responding to a request for a supplier quotation (RFQ) indicative of terms for delivery of goods or services by the supplier, the method comprising:

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An RFQ reply engine configured to access an index of RFQs, identify an RFQ for reply, retrieve the identified RFQ from a data store at a requester, and generate a reply to the retrieved RFQ (paragraph 98-99, 102, and 104-106).

Han does not teach; however Ferguson teaches

the data store being remote from a location of the index (Section I; it is implied in an index that the data may be located anywhere, including in the requester's data store).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

Referring to claim 29:

Han teaches a computer implemented method of soliciting a response to a RFQ, the RFQ being generated by a requester and including job information indicative of terms for delivery of goods or services from a supplier to the requester, the method comprising:

entering the job information into a predetermined RFQ template (paragraphs 93-94); and sending indexing information for computer implemented indexing of the data at a remote index (paragraph 106).

Han does not teach; however, Ferguson teaches

saving the RFQ template at a predetermined location in a data store local to the requester, such that the RFQ template is exposed for downloading to a supplier for generation of a reply (Section I; it is implied in an index that the data may be located anywhere, including in the requester's data store).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han and Ferguson as a whole to produce the invention as claimed with a reasonable expectation of saving time when retrieving RFQs that are stored remotely.

3. Claims 7, 16-18, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han et al. (US 20020052807) in view of Ferguson, Robert, Special Edition Using Microsoft SharePoint Portal Server, 02 August 2002 (hereinafter referred to as "Ferguson"), and further in view of Heimermann et al. (US 20060919).

Referring to claim 7:

182).

Claim 7 is dependent on claim 1; therefore the rejection of claim 1 is incorporated herein.

Han and Ferguson do not teach; however Heimermann teaches

automatically generating the reply based on the content of the RFQ (paragraphs 181-

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han, Ferguson, and Heimermann as a whole to produce the invention as claimed with a reasonable expectation of providing a more cost effective supplier sourcing system.

Referring to claims 16 and 33:

Claim 16 is dependent on claim 11; therefore the rejection of claim 11 is incorporated herein. Claim 33 is dependent on claim 29; therefore the rejection of claim 29 is incorporated herein.

Han and Ferguson do not teach; however Heimermann teaches

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entering award criteria indicative of criteria considered in awarding a job corresponding to the RFQ to a supplier (paragraph 183).

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Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han, Ferguson, and Heimermann as a whole to produce the invention as claimed with a reasonable expectation of providing a more cost effective supplier sourcing system.

Referring to claims 17 and 34:

Claim 17 is dependent on claim 11; therefore the rejection of claim 11 is incorporated herein. Claim 34 is dependent on claim 29; therefore the rejection of claim 29 is incorporated herein.

Han and Ferguson do not teach; however Heimermann teaches evaluating the received reply based on the award criteria (paragraph 183); and suggesting a winning supplier based on the evaluation of the award criteria (paragraph 183).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han, Ferguson, and Heimermann as a whole to produce the invention as claimed with a reasonable expectation of providing a more cost effective supplier sourcing system.

Referring to claims 18 and 35:

Claim 18 is dependent on claim 11; therefore the rejection of claim 11 is incorporated herein. Claim 35 is dependent on claim 29; therefore the rejection of claim 29 is incorporated herein.

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Han and Ferguson do not teach; however Heimermann teaches

weighting the award criteria according to a predetermined weight (paragraph 183; the system primarily makes awards based on price, but also "factors in" other considerations, which necessarily requires assigning a predetermined weight to the considerations).

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Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Han, Ferguson, and Heimermann as a whole to produce the invention as claimed with a reasonable expectation of providing a more cost effective supplier sourcing system.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Carlton-Foss (US 6647373).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARRIE A. STRODER whose telephone number is (571)270-7119. The examiner can normally be reached on Monday - Thursday 8:00 a.m. - 5:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/CARRIE A. STRODER/ Examiner, Art Unit 3689

/Tan Dean D. Nguyen/ Primary Examiner, Art Unit 3689